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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,446	07/26/2001	Marc Neuberger	782.1102	4445
21171	7590	01/11/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/912,446		NEUBERGER, MARC	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael N. Opsasnick		2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd et al (6269336) in view of Maes (6801604).

As per claim 1, Ladd et al (6269336) teaches:

“a method of operating a speech recognition system, comprising:” as the electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3, subblocks 232,234);

“augmenting the speech recognition system with an augmenting grammar set supplied by a portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19);

“and notifying the portal in response to an input which corresponds to the augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claim 1, Ladd et al (6269336) does not explicitly teach the execution of the speech recognition outside of the portal, however, Maes (6801604) teaches the execution of speech outside of the portal system (col. 4 lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art of distributed speech applications to modify the teachings of Ladd et al (6269336) with remote speech processing because it would advantageously shift more intense speech processing to adequately prepared systems (Maes (6801604), col. 24 line 55 – col. 25 line 46).

As per claim 2, Ladd et al (6269336) teaches:

“ the speech recognition system resides at an application server remote from the portal” as VRU server can be configured to be separated from the electronic network – as a stand alone system into a LAN – col. 9 lines 1-10).

As per claim 3, Ladd et al (6269336) teaches:

“ transferring control of a call back to the portal after notifying the portal that the input corresponds to the augmenting grammar set” as transferring control back to the voice browser (col. 14 lines 29-35).

As per claim 4, Ladd et al (6269336) teaches:

“transferring a call to another application server which corresponds to the input” as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd’s call control transfers the call’s according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 5, Ladd et al (6269336) teaches:

“directing the remote application server to perform one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input” as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR’s), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 6, Ladd et al (6269336) teaches:

“directing the remote application server to perform an arbitrary routine on behalf of the portal in response to a predetermined input” as the application server is configured to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).

As per claim 7, Ladd et al (6269336) teaches:

“directing the portal to perform an action in response to a predetermined input” as electronic network (portal) to access the VRU server when necessary (col. 10 line 67 – col. 11 line 11).

As per claim 8, Ladd et al (6269336) teaches a system comprising:

“a portal and an application server having a speech recognizer to receive an augmenting grammar set transmitted from the portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19).

“wherein the application server notifies the portal in response to an input which corresponds to the augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claim 9, Ladd et al (6269336) teaches:

“a voice gateway to connect a call to the portal” as voice gateway (PSTN, carrier switch, Fig. 3, subblock 210).

As per claim 10, Ladd et al (6269336) teaches:

“that when a caller requests access to the application server, the voice gateway connects the call to the application server and breaks the connection between the call and the portal” as the electronic network (portal) contains a two choice path, a first path for recognized subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-recognized subscribers (col. 6 lines 50-65). When it is established that the user is recognized, the first path is chosen, the caller is in direct contact with the application server within the communication node (col. 6 lines 45-50, and the user is not connected directly (i.e., bypasses) to the part of the electronic network (portal) that perform personnel identification, speech command, or etc. the second path, for non-subscribers, maintains the connection between the portion of the portal that perform user identification, and if the identification is unsuccessful, the user is routed to a customer service representative (col. 6 lines 62-64).

As per claim 11, Ladd et al (6269336) teaches:

“the portal includes a speech recognizer” as VRU server/client (Fig. 3, subblock 234).

As per claim 12, Ladd et al (6269336) teaches:

“ the response to an input being recognized as corresponding to the augmenting grammar set, control of the call is transferred from the application server to the portal” as transferring control back to the voice browser (col. 14 lines 29-35).

Art Unit: 2655

As per claim 13, Ladd et al (6269336) teaches:

“the call being transferred to another application server in response to recognizing a predetermined input as corresponding to the augmenting grammar set” as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd’s call control transfers the call’s according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 14, Ladd et al (6269336) teaches:

“the application server performs one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input which is recognized as corresponding to the augmenting grammar set” as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR’s), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 15, Ladd et al (6269336) teaches:

“the application server performs an arbitrary routine on behalf of the portal in response to a predetermined input which is recognized as corresponding to the augmenting grammar set” as the application server is configured to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).



As per claim 16, Ladd et al (6269336) teaches:

“the portal performs a predetermined action corresponding to an input which is recognized as corresponding to the augmenting grammar set” as electronic network (portal) to access the VRU server when necessary (col. 10 line 67 – col. 11 line 11).

As per claim 17, Ladd et al (6269336) teaches a method comprising:

“connecting a call to a portal” as voice gateway (PSTN, carrier switch, Fig. 3, subblock 210);

“requesting services of a remote application server via the call” as after entering a dialogue with the user, the user can choose from a variety of information (col. 6 lines 44-50). Wherein the communication node (212) is remotely located (col. 7 lines 24-32);

“transmitting an augmenting grammar set from the portal to the remote application server” as VRU client sends the user grammar information to the VRU server, which accesses the remote database 244 containing speech information (col. 8 lines 55-61);

“connecting the call to the remote application server” as LAN connects and routes the speech results to the call control unit, application server, and voice browser (col. 8 lines 63-65);

“breaking the connection between the call and the portal” as communication server 212 perform the functions of the output signal(col. 8 lines 63-67), wherein the electronic network (portal) contains a two choice path, a first path for recognized

Art Unit: 2655

subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-recognized subscribers (col. 6 lines 50-65). When it is established that the user is recognized, the first path is chosen, the caller is in direct contact with the application server within the communication node (col. 6 lines 45-50), and the user is not connected directly (i.e., bypasses) to the part of the electronic network (portal) that performs personnel identification, speech command, or etc. The second path, for non-subscribers, maintains the connection between the portion of the portal that perform user identification, and if the identification is unsuccessful, the user is routed to a customer service representative (col. 6 lines 62-64).

“notifying the portal when an input during the call corresponds to the augmenting grammar set” as notification to the portal that the user has been verified and that the caller is in direct contact with the application server within the communication node (col. 6 lines 44-50).

As per claim 18, Ladd et al (6269336) teaches:

“reconnecting the call to the portal in response to recognizing a predetermined input as corresponding to the augmenting grammar set” as allowing the caller to have access to the electronic network (portal) after the recognition has been performed (col. 6 lines 55-60). Ladd’s recognition routine access a grammar set in the voice recognition process (col. 8 lines 55-67).

As per claim 19, Ladd et al (6269336) teaches:

Art Unit: 2655

“performing a predetermined action in response to an input which is recognized as belonging to the augmenting grammar set” as performing a dialogue with a recognized user (col. 6 lines 25-49).

As per claim 20, Ladd et al (6269336) teaches:

“a system for operating a speech recognition system, comprising” as the electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3, subblocks 232,234).

“means for augmenting the speech recognition system with an augmenting grammar set supplied by a portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19).

“means for notifying the portal in response to an input which corresponds to the augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claims 20,25, Ladd et al (6269336) does not explicitly teach the execution of the speech recognition outside of the portal, however, Maes (6801604) teaches the execution of speech outside of the portal system (col. 4 lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art of distributed speech applications to

Art Unit: 2655

modify the teachings of Ladd et al (6269336) with remote speech processing because it would advantageously shift more intense speech processing to adequately prepared systems (Maes (6801604), col. 24 line 55 – col. 25 line 46).

As per claims 21-24, Ladd et al (6269336) teaches the input corresponding to at least one DTMF tone (col. 2 lines 56-61) as well as spoken utterances (col. 4 lines 33-38).

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2655

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
1/6/06

  
Michael N. Opsasnick  
Examiner  
Art Unit 2655